

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

'04 MAR -1 P1:47

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE
STATE OF HAWAII

FROM: Transportation/Harbors Division

(Department / Division / Agency)

Pursuant to Sec. 103D-102(b)(5), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:

Section 266-19.5, HRS, Private Financing of Harbor Improvements, allows a private party to construct improvements to DOT Harbor facilities, and be reimbursed when the DOT is able to appropriate funds through the regular budget process. Under the provisions of this Section, Matson Navigation Company, Inc. ("Matson") will design and construct a mooring dolphin and catwalk at Pier 1C, Kahului Harbor, Maui (hereafter "Project"). Matson will competitively bid the construction of the Project, and will be reimbursed for the improvements (no profit allowed) when the DOT is able to appropriate the money for the Project.

Name of Vendor:

Matson Navigation Company, Inc.

Cost:

Approx. \$2,000,000

Term of Contract:

From: Date of Approval

To: December 2006

Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Matson is the primary user of Pier 1C, and the Project will provide additional mooring space and improve operations for Matson at Pier 1C. The DOT has checked with other parties who use the Pier, but there has been no other interest.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

Matson will competitively bid the construction of the Project, and the Project will be awarded to the lowest responsive and responsible bidder.

A description of the agency's internal controls and approval requirements for the exempted procurement:

The Harbors Division will contract with Matson to build the Project, and approvals will be reviewed by the Harbors Engineering Branch and approved by its Administrator.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Fred Nunes, Harbors Engineering Program Manager, recommend approval or disapproval, Glenn M. Okimoto, Harbors Administrator, final approval or disapproval.

Direct questions to:

Linden H. Joesting, Deputy Director

Phone Number:

587-3651

This exemption should be considered for list of exemptions attached to Chapter 3-120, HAR:

Yes _____ No X

I certify that the information provided above is to the best of my knowledge, true and correct.

for Bull. Noto 3/1/04
Department / Agency Head Date

Chief Procurement Officer's Comments:

"Per discussions with DOT, Matson Navigation Company, Inc. (Matson) shall be subject to the following provisions:

1. Matson's contractor hired to construct the improvements shall comply with all applicable sections under Chapter 103D, HRS, including ACT 52, SLH 2003, 2. The DOT shall review and approve the offerors' qualifications and the award of the contract, 3. The DOT shall review and approve any changes to the construction contract."

Please ensure adherence to applicable administrative requirements.

X Approved

_____ Denied

Adrian J. Fyler 3/12/04
Chief Procurement Officer Date

cc: Administrator
State Procurement Office

STATE OF HAWAII

NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS

The Chief Procurement Officer is in the process of reviewing the request from the Department of Transportation,
Harbors Division for exemption from Chapter 103D, HRS, for the following goods, services, or construction:

Section 266-19.5, HRS, Private Financing of Harbor Improvements, allows a private party to construct improvements to DOT Harbor facilities, and be reimbursed when the DOT is able to appropriate funds through the regular budget process. Under the provisions of this Section, Matson Navigation Company, Inc. ("Matson") will design and construct a mooring dolphin and catwalk at Pier 1C, Kahului Harbor, Maui (hereafter "Project"). Matson will competitively bid the construction of the Project, and will be reimbursed for the improvements (no profit allowed) when the DOT is able to appropriate the money for the Project.

Vendor:

Matson Navigation Company, Inc.

Address:

1411 Sand Island Parkway, Honolulu, Hawaii 96819

Term of Contract:

From:

To:

Cost:

Date of Approval

December 2006

Approx. \$2,000,000

Direct any inquiries to:

Department:

Department of Transportation, Harbors Division

Contact Name / Title:

Linden H. Joesting, Deputy Director

Address:

79 S. Nimitz Highway, Honolulu, Hawaii 96813

Phone Number:

587-3651

Fax Number:

587-1982

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Date Notice Posted: MAR. 3, 2004

A copy of this notice of exemption from Chapter 103D, HRS, shall be posted by the Chief Procurement Officer and the purchasing agency in an area accessible to the public, at least seven (7) calendar days prior to any approval action.

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date this notice was posted to:

Chief Procurement Officer

Office / Agency Department of Transportation

Address 869 Punchbowl Street

Honolulu, Hawaii 96813